

REMARKSRejection of the claims under 35 USC 112:

Claims 6-8 and 13-17 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicants have amended the claims to remove the indefiniteness.

Rejection of the claims under 35 USC 102:

Claims 5-8 have been rejected under 35 U.S.C. 102(b) as being anticipated by Maeda et al. (US Patent 4,732,933) as evidenced by Maeda et al (Journal of Controlled Release 2001). Applicants have amended the claims to overcome the rejection. Specifically, Applicants have amended claim 5 to recite delivery of a polynucleotide. Maeda does not teach delivery of a polynucleotide to a cell. Support for the amendment can be found in the specification on page 8 line 31 to page 9 line 2, and Example 1 starting on page 10.

Claims 5-8 have been rejected under 35 U.S.C. 102(b) as being anticipated by Maeda et al (Journal of Controlled Release 2001). Applicants have amended the claims to overcome the rejection. Specifically, Applicants have amended claim 5 to recite delivery of a polynucleotide. Maeda does not teach delivery of a polynucleotide to a cell.

Claims 5 and 12-14 have been rejected under 35 U.S.C. 102(e) as being anticipated by Tonge et al (US Patent 6,436,905). Applicants have amended the claims to overcome the rejection. Specifically, Applicants have amended claims 5 and 12 to incorporate the limitations of claims 6 and 15 respectively.

Claims 12-17 have been rejected under 35 U.S.C. 102(e) as being anticipated by Saettone et al. (1988). Applicants have amended the claims to overcome the rejection. Specifically, Applicants have amended claim 12 to recite delivery of a polynucleotide. Saettone does not teach delivery of a polynucleotide to a cell.

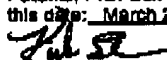
The Examiner's objections and rejections are now believed to be overcome by this response to the Office Action. In view of Applicants' amendment and arguments, it is submitted that claims 5, 7, 8, 12-14 and 16-17 should be allowable.

Respectfully submitted,



Kirk Ekena Reg. No. 56,672  
Mirus Bio Corporation  
505 South Rosa Road  
Madison, WI 53719  
608-238-4400

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as express mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: March 29, 2006.



Kirk Ekena